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(1)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

SINGLE BENCH

WRIT PETITION NO. 2037/2006

PETITIONER

Laxmi Narayan Dubey, aged about 46 years, son of J.P. Dubey, posted as (Pravar Grade) Selection Grade Assistant Professor, Economic Govt. College, Rajiv Gandhi Government College, Lormi, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of Higher Education, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Higher Education Department, Science College Parishar, Raipur (C.G.)
3. The Commissioner, Higher Education Department, Science College Parishar, Raipur (C.G.)
4. The Joint Director, Higher Education, Directorate, Science College Parishar, Raipur (C.G.)
5. Principal, Rajiv Gandhi Government Arts and Commerce College, Lormi, Distt. Bilaspur (Chhattisgarh)
6. R.P. Tandon, Assistant Professor (presently In-charge Principal),

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(2) (4)

Rajiv Gandhi Government Arts and Commerce College, Lormi, District Bilaspur (C.G.)

7. The Station House Officer, Police Station – Kota, District Bilaspur (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI AND / OR ANY OTHER WRITS OF LIKE NATURE

(9)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : Hon'ble Mr. Satish K. Agnihotri, J.

Writ Petition No.2037 of 2006

Petitioner : Laxmi Narayan Dubey

versus

Respondents : State of Chhattisgarh & others

Present :

Shri Anil Singh Rajput, counsel for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the respondents No. 1 to 5 and 7.

Shri Roshan Dubey, counsel for the respondent No. 6.

ORDER

(Passed on 4th September, 2006)

1. The petitioner has filed this petition impugning the order dated 30.12.2004 (Annexure P/1) and the order dated 24.11.2005 (Annexure P/2), whereby the petitioner was not given the charge of the Principal despite being senior most Professor in the Rajiv Gandhi Government Arts and Commerce College, Lormi.

2. The respondents No. 1 to 5 and 7 in their return submit that the departmental enquiry is pending against the petitioner. Thus, the next senior most Assistant Professor/respondent No. 6 was given charge as the Principal of the Rajiv Gandhi Government Arts and Commerce College, Lormi.

3. According to learned counsel for the respondents No. 1 to 5 and 7, the responsibility of the Principal is more and

administrative in nature. The person against whom the departmental enquiry is pending for remaining absent on the basis of forged documents, cannot be given the charge.

4. According to learned counsel for the petitioner, the departmental enquiry is pending since 2.7.2002 and has not been concluded as yet when the law provides that the departmental enquiry be concluded within a period of one year and the petitioner is being subjected to humiliation on account of the departmental enquiry, pending for last more than four years.

5. Be that as it may, a writ in the nature of direction to the respondents for appointing the petitioner as In-charge, Principal of Rajiv Gandhi Government Arts and Commerce College, Lormi cannot be granted, as admittedly, the departmental enquiry is pending against the petitioner. However, in the facts and circumstances of the case, the respondents No. 1 to 5 and 7 are directed to conclude the departmental enquiry within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of with the above direction.

Sd/-
Satish K.Agnihotri
Judge

Bablu